
From: Todd Hotchkiss
Sent: Friday, January 13, 2017 2:30 PM
To: Stephen Aarons
Subject: Gerald Viarrual

Good Afternoon Steve:

I am without a fax machine or scanner or copier today. A new one sits on my floor waiting to be installed on Monday. So I cannot send you anything today.

What I found was a July 22, 2015 letter to GV from me, attached to which are emails from July 22 and July 9 between Kyle Nayback and Novaline Wilson and me. Attached to the first email, from July 9, 2015, was a letter from me to Kyle and Novaline. I also found a letter dated August 3, 2015 to GV attached to which was a letter to Kyle and Novaline and emails between Kyle and me from July 31, July 29 and July 22, 2015.

On July 9 I sent an email and letter to Kyle and Novaline offering for GV to plead guilty to a misdemeanor of simple or minor assault and expose GV to a sentencing range of 0-364 days in jail. Kyle responded that day with an email stating that a misdemeanor was likely not acceptable and speculating that a felony plea to child abuse would be a reasonable resolution, but he had to speak with his supervisor. On July 22, 2015, Kyle emailed me that he had received approval for a plea offer to an assault charge for which Kyle stated the "guidelines would probably come out at around 30 months but this plea would allow you and your client to request a variance downward to a time-served sentence." Kyle also stated in that email, "By my count, if your client gets convicted at trial, he faces close to 14 years – 7 of which is mandatory. Any add on sentence would be at the discretion of the judge." This information I sent to GV under my July 22, 2015 letter to him.

On July 29, 2015, I sent a letter to Kyle and Novaline attached to an email of the same date in which GV through me counter offered to a 11(c)(1)(C) plea of 18-24 months for a guilty plea to Count 6. The government rejected that offer after August 3 sometime.

That is a fair summary of the relevant events to the 30 month offer from the government. I can certainly provide copies of those documents on Monday or Tuesday, once my machine is up and functioning.

Call me if you have any questions. I will be in my office at least until 5pm.

Best wishes and good luck,

Todd

243-6776 (office)

917-3925 (cell)